



TERMS OF REFERENCE

Task Nr: RMT.0327 (OPS.058(a)) and RMT.0328 (OPS.058(b))

Issue: 1

Date: 26 September 2011

Regulatory reference: Commission Regulation (EC) No 859/2008 – EU-OPS¹

Incapacitation and replacement of Senior cabin crew members

1. Draft Regulation on Air Operations, Annex III Part-ORO²

- ORO.CC.200 Number and composition of cabin crew
- ORO.CC.205 Normal ground operations and unforeseen circumstances
- ORO.CC.260 Senior cabin crew member

as proposed to the European Commission in EASA Opinion No 04/2011 of the European Aviation Safety Agency of 1 June 2011 for a Commission Regulation establishing rules for air operations – 'Air Operations – OPS'³.

2. Comment Response Document (CRD) to Notice of Proposed Amendment 2009-02b⁴

- Draft Acceptable Means of Compliance (AMC) and Guidance Material (GM) on Air Operations

Communication between a person on board the aeroplane and aerodrome emergency services during ground operations with passengers on board and in the absence of flight crew members

¹ Commission Regulation (EC) No 859/2008 amending Council Regulation (EEC) No 3922/91 as regards common technical requirement and administrative procedures applicable to commercial transportation by aeroplane (OJ L 254, 20.9. 2008, p.1).

² ANNEX III - ORGANISATION REQUIREMENTS FOR AIR OPERATIONS - Part-ORO is one of the Annexes of the Draft Regulation. Available under: <http://easa.europa.eu/agency-measures/docs/opinions/2011/04/Annexes%20to%20Regulation.pdf>.

³ Opinion No 04/2011 of the European Aviation Safety Agency of 1 June 2011 for a Commission Regulation establishing Implementing Rules for Air Operations. Available under: <http://easa.europa.eu/agency-measures/docs/opinions/2011/04/Opinion%2004-2011.pdf>.

⁴ Comment Response Document (CRD), dated 25 November 2010, to Notice of Proposed Amendment (NPA) 2009-02b for an Agency Opinion on a Commission Regulation establishing the Implementing Rules for air operations of Community operators and draft Decision of the Executive Director of the European Aviation Safety Agency on Acceptable Means of Compliance and Guidance Material related to the Implementing Rules for air operations of Community operators available under <http://easa.europa.eu/rulemaking/r-archives.php>.

1. Draft Regulation on Air Operations, Annex III Part-ORO and Annex IV Part-CAT⁵

- ORO.CC.205 Normal ground operations and unforeseen circumstances
- CAT.OP.MPA.195 Refuelling/defueling with passengers embarking, on board or disembarking

as proposed to the European Commission in EASA Opinion No 04/2011 of the European Aviation Safety Agency of 1 June 2011 for a Commission Regulation establishing rules for air operations – ‘Air Operations – OPS’.

2. Comment Response Document (CRD) to Notice of Proposed Amendment 2009-02b

- Draft Acceptable Means of Compliance (AMC) and Guidance Material (GM) on Air Operations, Annex III Part-ORO

Reference documents: JAA NPA-OPS 62

1. Subject: Transfer of JAA cabin safety tasks

Incapacitation and replacement of Senior cabin crew members.

Communication between a person on board the aeroplane and aerodrome emergency services during ground operations with passengers on board and in the absence of flight crew members.

2. Problem / Statement of issue and justification; reason for regulatory evolution (regulatory tasks)

Incapacitation and replacement of Senior cabin crew members

An enquiry was received by Central JAA (CJAA) in 2005 regarding then applicable *JAR-OPS. 1.1000 (d) Senior cabin crew members (SCCM)*. The enquiry addressed the conflicting interpretation of the concerned paragraph by European operators.

(d) an operator shall establish procedures to select the next most suitably qualified cabin crew member to operate as senior cabin crew member in the event of the nominated senior cabin crew member becoming unable to operate. Such procedures must be acceptable to the Authority and take account of a cabin crew member's operational experience.

The questions the enquirer raised referred to the following parts of the text:

1. *'in the event of the nominated senior cabin crew member becoming unable to operate'* – does 'becoming unable' refer to incapacitation occurring in-flight, or a few hours, or days before?
2. *'select the next most suitably qualified cabin crew member to operate as senior cabin crew member'* – how long is this substitution allowed, e.g. single sector, or round trip, or all rostered flights for the month?
3. Does JAR-OPS 1.1000 disallow any flights to depart from base with an SCCM substitute, i.e. if a cabin crew member replaces an SCCM, must he/she be replaced by an SCCM once he/she has a stopover at base?

⁵ Available under:
<http://easa.europa.eu/agency-measures/docs/opinions/2011/04/Annexes%20to%20Regulation.pdf>.

In the initial work progress, the CJAA concluded that proper understanding of the relevant paragraph could only be achieved by referring to several paragraphs of various subparts of the JAR-OPS (Subparts C/O/P) and could lead to different interpretations and possible non-compliance. The cabin crew steering group (CCSG) was tasked to produce the clarification material covering both the incapacitation and the replacement of an SCCM. CCSG considered the following issues: first, the replacement of an SCCM who becomes incapacitated during a flight or down route. The second issue is the prevention of a flight departing without an SCCM from the home base or from an aerodrome where she/he can be made available. The work resulted in a draft NPA proposed by CCSG and endorsed by the operations sectorial team (OST) as JAA NPA-OPS 62. When the JAA ceased activity, the task was transferred to the Agency.

The transition of JAR-OPS regulations into the Regulation (EC) 859/2008, commonly referred to as EU-OPS, in July 2008 resulted in taking over the existing JAR-OPS text and the EU-OPS 1.1000 (d) wording remained the same.

EASA Opinion 04/2011 'Air Operations – OPS', the purpose of which is to assist the European Commission in establishing the Implementing Rules for air operations, and which will become effective in 2012, deals with the subject in draft Part-ORO.CC.260(d) (Senior cabin crew member) of Annex III to draft Regulation on Air Operations:

(d) The operator shall establish procedures to select the most appropriately qualified cabin crew member to act as senior cabin crew member if the nominated senior cabin crew member becomes unable to operate. Changes to these procedures shall be notified to the competent authority.

In view of this rulemaking task, the substance of the paragraph remained unchanged.

Communication between a person on board the aeroplane and aerodrome emergency services during ground operations with passengers on board and in the absence of flight crew members

The task was initiated by the JAA Operations Procedures Steering Group as a pro-active safety initiative to prevent accidents which may occur during ground operations. The task addresses the proposal to require a person on board the aeroplane who is qualified to handle communication with aerodrome emergency services initiated from the flight crew compartment in the absence of flight crew members whilst passengers are on board.

EU-OPS 1.311 and draft ORO.CC.205 of Annex III to draft Regulation on Air Operations specify the minimum number of cabin crew required to be on board during ground operations. EU-OPS 1.305 and its Appendix 1 and draft CAT.OP.MPA.195 of Annex III to draft Regulation on Air Operations require the aeroplane to be manned by qualified personnel to handle communication in case of emergency during the phases of refuelling/defueling with passengers embarking, on board or disembarking.

The contact from the flight crew compartment will normally be established by flight crew members. However, there may be cases during ground operations when passengers are on board and flight crew members are not present, e.g. boarding. In such cases, the operator needs to ensure that communication between the aeroplane and the ground emergency services will be made if required. Apart from the above-mentioned regulation related to refuelling/defueling, the current and the future operational requirements do not include a requirement for a qualified person other than a flight crew member on board an aeroplane to be capable of handling a two-way communication from the flight crew compartment with aerodrome ground emergency services.

3. Objective:

Incapacitation and replacement of Senior cabin crew members

The objective of this task is to ensure that the applicable regulatory requirement is clearly expressed and cannot be misunderstood and/or interpreted in multiple ways. To achieve

the objective, the proposal of the JAA NPA-OPS 62 will be used as the basis and the applicable rule text on the replacement of Senior cabin crew members will be modified accordingly.

Communication between a person on board the aeroplane and aerodromes emergency services during ground operations with passengers on board and in the absence of flight crew members

The objective of this task is to develop a regulatory requirement requiring a qualified person other than a flight crew member on board an aeroplane who will be capable of initiating and handling communication from the flight crew compartment with aerodrome emergency services during ground operations with passengers on board in the absence of flight crew members.

4. Specific tasks and interface issues (Deliverables):

Draft a proposal to amend the Implementing Rules for air operations and/or related AMC and GM, as applicable.

5. Working Methods (in addition to the applicable Agency procedures):

Agency

6. Time scale, milestones:

Start: 2011/Q3
NPA: 2012/Q3
CRD: 2013/Q1
Opinion: 2013/Q3
Decision: 2014/Q3